

Message

From: James Bates [jbates@jbateslaw.com]
Sent: 6/5/2019 4:26:50 PM
To: Michael Lebow [mlebow@srllplaw.com]
CC: Castellana, Ben [castellana.ben@epa.gov]; Sonia Soto [sonia@srllplaw.com];
brettbowyer@bowyerenvironmental.com; BERMAN, TESSA [Berman.Tessa@epa.gov]
Subject: Re: 210 W Slauson
Attachments: ATT00001.txt

Please send what you have now!

On Wed, Jun 5, 2019 at 9:24 AM Michael Lebow <mlebow@srllplaw.com> wrote:

Jim,

Please let me know if the insurance document I provided to you Monday was sufficient. I have been awaiting your response to that to determine what can be done about your proposed Section 9. Thanks.

Sincerely,

Michael Lebow



Michael Lebow

625 E. Santa Clara Street, Suite 101


Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: http://www.srllplaw.com

 GO GREEN: Please consider the environment before you print.

NOTICE IS HEREBY GIVEN that this office does not accept ex parte notice via email and does not accept or consent to the service of process, motions, pleadings, documents, or any other items by electronic format unless consent to such service is given and is given expressly. Correspondence via electronic format does not indicate agreement or consent to acceptance of service in that format.

CONFIDENTIALITY NOTICE: The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us by telephone immediately at (805) 658-7800. Thank you.

From: James Bates [mailto:jbates@jbateslaw.com]
Sent: Wednesday, June 05, 2019 9:22 AM
To: Michael Lebow
Cc: Castellana, Ben; Sonia Soto; brettbowyer@bowyerenvironmental.com; BERMAN, TESSA
Subject: Re: 210 W Slauson

Mr. Lebow:

Please provide me with your revisions to the Agreement that I have provided to you.

As of this date, I have not received any revisions from you and assumed (as did others on this email string) that you were in agreement with my proposed revisions.

Jim Bates

On Wed, Jun 5, 2019 at 9:04 AM Michael Lebow <mlebow@srllplaw.com> wrote:

Dear Mr. Bates,

Please get back to me at your earliest opportunity about BEC's insurance coverage so that we can revise your included language in Section 9 of the Access Agreement to get the agreement finalized. Thank you.

Sincerely,

Michael Lebow



Michael Lebow

625 E. Santa Clara Street, Suite 101


Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: http://www.srllplaw.com

 **GO GREEN:** Please consider the environment before you print.

NOTICE IS HEREBY GIVEN that this office does not accept ex parte notice via email and does not accept or consent to the service of process, motions, pleadings, documents, or any other items by electronic format unless consent to such service is given and is given expressly. Correspondence via electronic format does not indicate agreement or consent to acceptance of service in that format.

CONFIDENTIALITY NOTICE: The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us by telephone immediately at (805) 658-7800. Thank you.

From: Michael Lebow

Sent: Tuesday, June 04, 2019 3:05 PM

To: James Bates

Cc: Castellana, Ben; Ehe, Robert@Waterboards; Sonia Soto; brettbowyer@bowyerenvironmental.com; BERMAN,

TESSA; Ly, Jillian@Waterboards; Austin, Tamarin@Waterboards
Subject: RE: 210 W Slauson

Dear Mr. Bates,

Please advise about the attached insurance information. I am not concerned about your other requested redlines, but I know this is an issue you guys want resolved. Mr. Bowyer is tentatively set to start the investigation Thursday, so we would like to get this resolved as soon as possible so everything can move forward with the access agreement in place. Thank you.

Sincerely,

Michael Lebow



Michael Lebow

625 E. Santa Clara Street, Suite 101


Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: http://www.srllplaw.com

 **GO GREEN:** Please consider the environment before you print.

NOTICE IS HEREBY GIVEN that this office **does not** accept ex parte notice via email and **does not** accept or consent to the service of process, motions, pleadings, documents, or any other items by electronic format unless consent to such service is given and is given expressly. Correspondence via electronic format does not indicate agreement or consent to acceptance of service in that format.

CONFIDENTIALITY NOTICE: The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us by telephone immediately at (805) 658-7800. Thank you.

From: Michael Lebow

Sent: Monday, June 03, 2019 2:41 PM

To: James Bates

Cc: Castellana, Ben; Ehe, Robert@Waterboards; Sonia Soto; brettbowyer@bowyerenvironmental.com; BERMAN, TESSA; Ly, Jillian@Waterboards; Austin, Tamarin@Waterboards

Subject: RE: 210 W Slauson

Dear Mr. Bates,

Please advise if the attached endorsement is sufficient.

Sincerely,

Michael Lebow



Michael Lebow

625 E. Santa Clara Street, Suite 101


Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: <http://www.srllplaw.com>

 **GO GREEN:** Please consider the environment before you print.

NOTICE IS HEREBY GIVEN that this office does not accept ex parte notice via email and does not accept or consent to the service of process, motions, pleadings, documents, or any other items by electronic format unless consent to such service is given and is given expressly. Correspondence via electronic format does not indicate agreement or consent to acceptance of service in that format.

CONFIDENTIALITY NOTICE: The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us by telephone immediately at (805) 658-7800. Thank you.

From: James Bates [<mailto:jbates@jbateslaw.com>]

Sent: Friday, May 31, 2019 2:30 PM

To: Michael Lebow

Cc: Castellana, Ben; Ehe, Robert@Waterboards; Sonia Soto; brettbowyer@bowyerenvironmental.com; BERMAN, TESSA; Ly, Jillian@Waterboards; Austin, Tamarin@Waterboards

Subject: Re: 210 W Slauson

Mr. Lebow:

Attached are the following documents:

1. Site Access Agreement which I have REDLINED with my changes;
2. Site Access Agreement CLEAN copy which accepts all my changes.

With regard to the Agreement:

a. I have removed EPA and WaterBoards as a signatory. I assume that SCAQMD will also not be signing. I am not clear is Clean Harbors will be signing either. Please confirm which parties will be signing the agreement otherwise they should be moved down to the last sentence of the first paragraph.

b. Please include the information in paragraph 16 as to where notice should be sent for Devores and BEC.

Please REDLINE any further revisions. If you have any issues to discuss, please call me at your convenience.

Jim Bates

On Fri, May 31, 2019 at 12:54 PM Michael Lebow <mlebow@srllplaw.com> wrote:

Understood Ben. We can remove the EPA from the signatory line as well. Mr. Bates, do you have any update for us? We really need your clients' acceptance/signature or to know any concerns so that we can move forward with the proposed timeline. Thank you.

Sincerely,

Michael Lebow



Michael Lebow

625 E. Santa Clara Street, Suite 101


Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: <http://www.srllplaw.com>

 **GO GREEN:** Please consider the environment before you print.

NOTICE IS HEREBY GIVEN that this office does not accept ex parte notice via email and does not accept or consent to the service of process, motions, pleadings, documents, or any other items by electronic format unless consent to such service is given and is given expressly. Correspondence via electronic format does not indicate agreement or consent to acceptance of service in that format.

CONFIDENTIALITY NOTICE: The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us by telephone immediately at (805) 658-7800. Thank you.

From: Castellana, Ben [mailto:castellana.ben@epa.gov]
Sent: Thursday, May 30, 2019 10:28 AM
To: Michael Lebow
Cc: Ehe, Robert@Waterboards; Sonia Soto; jbates@jbateslaw.com; brettbowyer@bowyerenvironmental.com; BERMAN, TESSA; Ly, Jillian@Waterboards; Austin, Tamarin@Waterboards
Subject: Re: 210 W Slauson

Same for EPA; we will be conducting oversight, but we typically do not sign access agreements.

Thank you,

Ben Castellana Ph.D.

On-Scene Coordinator

US EPA Region 9

Superfund Emergency Response

(562) 305-0694

On May 30, 2019, at 9:23 AM, Michael Lebow <mlebow@srllplaw.com> wrote:

Dear All,

Attached please find the revised agreement removing the Regional Board from the signature page. Mr. Bates, where are we with having the 216 Slauson owners' sign off on this agreement? Thanks.

Sincerely,

Michael Lebow

Michael Lebow

625 E. Santa Clara Street, Suite 101


Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: <http://www.srllplaw.com>

 **GO GREEN:** Please consider the environment before you print.

NOTICE IS HEREBY GIVEN that this office **does not** accept ex parte notice via email and **does not** accept or consent to the service of process, motions, pleadings, documents, or any other items by electronic format unless consent to such service is given and is given expressly. Correspondence via electronic format does not indicate agreement or consent to acceptance of service in that format.

CONFIDENTIALITY NOTICE: The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us by telephone immediately at (805) 658-7800. Thank you.

From: Ehe, Robert@Waterboards [<mailto:Robert.Ehe@waterboards.ca.gov>]
Sent: Thursday, May 30, 2019 9:15 AM
To: Michael Lebow; Sonia Soto; jbates@jbateslaw.com
Cc: brettbowyer@bowyerenvironmental.com; castellana.ben@epa.gov; Berman.Tessa@epa.gov; Bill Slaughter; Kevin Heimberg; Ly, Jillian@Waterboards; Austin, Tamarin@Waterboards
Subject: RE: 210 W Slauson

Michael,

Regarding the draft Access Agreement prepared by your office for the site, normally we don't sign the access agreement. We ask that our agency be removed from the signature page of this agreement. Regional Board staff will be inspecting the site at the time in which on-site remedial and investigative work is being performed by others, and we will be requesting access at that time. Thank you.

Robert J. Ehe, P.E.

Water Resource Control Engineer

Regional Water Quality Control Board, Los Angeles Region

From: Michael Lebow <mlebow@srllplaw.com>
Sent: Wednesday, May 29, 2019 12:14 PM
To: Sonia Soto <sonia@srllplaw.com>; jbates@jbateslaw.com
Cc: brettbowyer@bowyerenvironmental.com; castellana.ben@epa.gov; Ehe, Robert@Waterboards <Robert.Ehe@waterboards.ca.gov>; Berman.Tessa@epa.gov; Bill Slaughter <slaughter@srllplaw.com>; Kevin Heimberg <kheimberg@srllplaw.com>
Subject: RE: 210 W Slauson
Importance: High

Dear All,

Pursuant to our prior discussions a draft Access Agreement was prepared by our office and circulated to all interested parties on May 8, 2019. We have not been informed of any objections to the proposed agreement. However, we have also not received executed copies of the agreement. We would like to get this agreement finalized and in place so that we can proceed as discussed in our meeting of May 3, 2019. Please advise as to status. If you have any questions or concerns, please do not hesitate to contact us. Thank you.

Sincerely,

Michael Lebow

Michael Lebow

625 E. Santa Clara Street, Suite 101


Ventura, California 93001

Phone: (805) 658-7800

Facsimile: (805) 644-2131

Email: lebow@srllplaw.com

Website: http://www.srllplaw.com

 **GO GREEN:** Please consider the environment before you print.

NOTICE IS HEREBY GIVEN that this office does not accept ex parte notice via email and does not accept or consent to the service of process, motions, pleadings, documents, or any other items by electronic format unless consent to such service is given and is given expressly. Correspondence via electronic format does not indicate agreement or consent to acceptance of service in that format.

CONFIDENTIALITY NOTICE: The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us by telephone immediately at (805) 658-7800. Thank you.

From: Sonia Soto
Sent: Wednesday, May 08, 2019 4:19 PM
To: jbates@jbateslaw.com
Cc: brettbowyer@bowyerenvironmental.com; castellana.ben@epa.gov;
Robert.Ehe@waterboards.ca.gov; Berman.Tessa@epa.gov; Bill Slaughter; Kevin Heimberg
Subject: 210 W Slauson

Attached please find the Access Agreement. Please review and if it meets with your approval, please execute and return. Thank you.

<image002.jpg>

Sonia Soto

Assistant to Michael B. Lebow and Kevin J. Heimberg


625 E. Santa Clara Street, Suite 101

Ventura, California 93001

Phone: (805) 658-7800 Ext. 118

Facsimile: (805) 644-2131

Email: sonia@srllplaw.com

 **GO GREEN:** Please consider the environment before you print.

Confidentiality Notice: The information contained in this communication, including attachments, is privileged and confidential. It is intended only for the exclusive use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us by telephone immediately at (805) 658-7800. Thank you.

<216 Slauson Access Agreement.5.30.19.pdf>

--

Jim Bates

Law Offices Of James W. Bates,

A Professional Corporation

1055 E. Colorado Blvd., 5th Floor

Pasadena, California 91106-2327

818-248-1911 voice

www.jbateslaw.com

CONFIDENTIALITY NOTICE:

This email together with any attachments is confidential, intended for only the recipient(s) named above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this email in error, or are not the named recipient(s), you are hereby notified that any use, dissemination, distribution or copying of this email or any attachments is strictly prohibited. Please immediately notify the sender at jbates@jbateslaw.com and delete this email and any attachments from your computer. You should not retain, copy or use this email or any attachments for any purpose, or disclose all or any part of the contents to any person.

--

Jim Bates



Law Offices Of James W. Bates,

A Professional Corporation

1055 E. Colorado Blvd., 5th Floor

Pasadena, California 91106-2327

818-248-1911 voice

www.jbateslaw.com

CONFIDENTIALITY NOTICE:

This email together with any attachments is confidential, intended for only the recipient(s) named above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this email in error, or are not the named recipient(s), you are hereby notified that any use, dissemination, distribution or copying of this email or any attachments is strictly prohibited. Please immediately notify the sender at jbates@jbateslaw.com and delete this email and any attachments from your computer. You should not retain, copy or use this email or any attachments for any purpose, or disclose all or any part of the contents to any person.

--

Jim Bates



Law Offices Of James W. Bates,

A Professional Corporation

1055 E. Colorado Blvd., 5th Floor

Pasadena, California 91106-2327

818-248-1911 voice

www.jbateslaw.com

CONFIDENTIALITY NOTICE:

This email together with any attachments is confidential, intended for only the recipient(s) named above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this email in error, or are not the named recipient(s), you are hereby notified that any use, dissemination, distribution or copying of this email or any attachments is strictly prohibited. Please immediately notify the sender at jbates@jbateslaw.com and delete this email and any attachments from your computer. You should not retain, copy or use this email or any attachments for any purpose, or disclose all or any part of the contents to any person.